

**Notice of Allowability**

Application No.

09/885,758

Examiner

Mark R. Milia

Applicant(s)

PETERSON, PAUL

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on 10/11/05.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment was received on 10/11/05 and has been entered and made of record. Currently, claims 1-31 are pending.

### ***Specification***

2. Applicant's amendment to correct a typographical error has overcome the objection to the specification as cited in the previous Office Action. Therefore the objection has been withdrawn.

### ***Response to Arguments***

3. Applicant's arguments, see pages 1-4 of the remarks, filed 10/11/05, with respect to claims 1-31, more specifically claims 1, 15, and 26, have been fully considered and are persuasive. The rejection of claims 1-31 has been withdrawn.

***Examiner's Amendment***

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with G. Christopher Braidwood on 1/4/06.

The application has been amended as follows:

Regarding claim 5, the term "lenticular" should be inserted in the last line between the terms "final" and "composite" so that the claims reads "A method as defined in claim 4, further comprising the step of receiving alignment inputs at the computing device, the alignment inputs causing a change in relative proximity of the captured digital image and the background image in the final lenticular composite image".

***Allowable Subject Matter***

5. Claims 1-31 are allowed.

6. The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 15, in the examiner's opinion, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine

Art Unit: 2622

at least a portion of a background image, at least a portion of a captured digital image, and at least a portion of a foreground image to create a final lenticular composite image in combination with the other limitations as recited in claims 1 and 15.

Regarding claim 26, in the examiner's opinion, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to delete a portion of the composite background image to create a specialized background image, the portion of the composite background image deleted being dependant on the captured digital image, delete a portion of the captured digital image to create a intermediate digital image, the portion of the captured digital image deleted being dependant on the composite foreground image, and digitally combining the specialized background image, the intermediate digital image, and the composite foreground image to create a multiple lenticular composite image in combination with the other limitations as recited in claim 26.

Claims 2-14, 16-25, and 27-31 depend from claims 1, 15, and 16 and are allowable for the same reasons as above.

The reference of Wain et al. (US 6148148) discloses an automatic photobooth with electronic imaging camera capable of combining a captured image with pre-stored background and foreground images. However, Wain fails to disclose that the combination of images are interlaced or merged in such a way as to form a lenticular composite image.

The reference of Gottfried et al. (US 6329987) discloses a method of creating lenticular images by interlacing a plurality of stored images. However, Gottfried fails to

Art Unit: 2622

disclose the combining of at least a portion of a background image, at least a portion of a captured digital image, and at least a portion of a foreground image to create a final lenticular composite image or deleting a portion of the composite background image to create a specialized background image, the portion of the composite background image deleted being dependant on the captured digital image, deleting a portion of the captured digital image to create a intermediate digital image, the portion of the captured digital image deleted being dependant on the composite foreground image, and digitally combining the specialized background image, the intermediate digital image, and the composite foreground image to create a multiple lenticular composite image.

A newly found reference of Mittelstaedt et al. (EP 0953935) discloses a system capable of capturing multiple motion images, such as those obtained from a theme park thrill ride, i.e. rollercoaster, and creating a lenticular image. However, Mittelstaedt fails to disclose the ability to select a foreground image and does not disclose combining of at least a portion of a background image, at least a portion of a captured digital image, and at least a portion of a foreground image to create a final lenticular composite image or deleting a portion of the composite background image to create a specialized background image, the portion of the composite background image deleted being dependant on the captured digital image, deleting a portion of the captured digital image to create a intermediate digital image, the portion of the captured digital image deleted being dependant on the composite foreground image, and digitally combining the specialized background image, the intermediate digital image, and the composite foreground image to create a multiple lenticular composite image.

Therefore, because of these reasons, the claims are rendered allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art refer to European Patent Application Publication No. 0953935 (Mittelstaedt et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia  
Examiner  
Art Unit 2622

MRM

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2622